

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0322-PWS-E **TCEQ ID:** RN101439933 **CASE NO.:** 35426  
**RESPONDENT NAME:** Central Bosque Water Supply Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Central Bosque WSC, 500 South Main Street, McGregor, McLennan County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 14, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, 512-239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Lambert Havelka, President/Registered Agent, Central Bosque Water Supply Corporation, P.O. Box 344, McGregor, Texas 76657  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 31, 2008</p> <p><b>Date of NOE Relating to this Case:</b> February 14, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>Failure to maintain the residual disinfectant concentration in the water within the distribution system at least 0.5 milligrams per liter ("mg/L") chloramine [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$240</p> <p><b>Total Deferred:</b> \$48  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$192</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent began maintaining a minimum chloramine residual of 0.5 mg/L throughout the distribution system as of February 28, 2008.</p>

Additional ID No(s): PWS ID No. 1550061



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Feb-2008	<b>Screening</b>	19-Feb-2008	<b>EPA Due</b>	
	<b>PCW</b>	19-Feb-2008				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Central Bosque Water Supply Corporation				
<b>Reg. Ent. Ref. No.</b>	RN101439933				
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

CASE INFORMATION					REPORT INFORMATION				
Enf./Case ID No.		35426			No. of Violations		1		
Docket No.		2008-0322-PWS-E			Order Type		1660		
Media Program(s)		Public Water Supply			Enf. Coordinator		Andrea Linson-Mgbeodur		
Multi-Media					EC's Team		Enforcement Team 2		
Admin. Penalty \$		Limit Minimum	\$50	Maximum	\$1,000				

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$200**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **5% Enhancement** **Subtotals 2, 3, & 7** **\$10**

**Notes** The enhancement is due to one prior Notice of Violation that contains violations that are the same or similar to the violations in the current enforcement action.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **10% Reduction** **Subtotal 5** **\$20**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

**Notes** The Respondent returned to compliance on February 28, 2008.

**Total EB Amounts** **\$50** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$50** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$190**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **26%** **Adjustment** **\$50**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes** Enhancement recommended for recovery of avoided costs of compliance.

**Final Penalty Amount** **\$240**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$240**

**DEFERRAL** **20%** **Reduction** **Adjustment** **-\$48**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$192**

Screening Date 19-Feb-2008

Docket No. 2008-0322-PWS-E

PCW

Respondent Central Bosque Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 35426

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101439933

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

The enhancement is due to one prior Notice of Violation that contains violations that are the same or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

<b>Screening Date</b> 19-Feb-2008 <b>Respondent</b> Central Bosque Water Supply Corporation <b>Case ID No.</b> 35426 <b>Reg. Ent. Reference No.</b> RN101439933 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2008-0322-PWS-E <div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002)  PCW Revision January 29, 2008 </div>																		
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)																			
<b>Violation Description</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to maintain the residual disinfectant concentration in the water within the distribution system at least 0.5 milligrams per liter ("mg/L") chloramine. Specifically, at the time of the investigation, a field test conducted at 987 Windsor Road revealed a chloramine residual of 0.05 mg/L. In addition, on February 4, 2008, the sampling results submitted by the Respondent taken at 987 Windsor Road revealed a chloramine residual of 0.2 mg/L. </div>																			
<b>Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,000"/>																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																			
OR	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;"><b>Release</b></td> <td style="width: 10%; text-align: center;"><b>Major</b></td> <td style="width: 10%; text-align: center;"><b>Moderate</b></td> <td style="width: 10%; text-align: center;"><b>Minor</b></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Actual</td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px; text-align: center;">x</td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td></td> </tr> </table> <div style="margin-top: 5px;"> <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/> </div>		<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>			Actual						Potential		x		
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>															
	Actual																		
	Potential		x																
<b>&gt;&gt; Programmatic Matrix</b>																			
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;"><b>Falsification</b></td> <td style="width: 10%; text-align: center;"><b>Major</b></td> <td style="width: 10%; text-align: center;"><b>Moderate</b></td> <td style="width: 10%; text-align: center;"><b>Minor</b></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td style="border: 1px solid black; width: 50px; height: 20px;"></td> <td></td> </tr> </table> <div style="margin-top: 5px;"> <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/> </div>		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>													
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>															
Matrix Notes	Failure to maintain an adequate disinfectant concentration within the distribution system may allow bacteria to form in the water and could result in the delivery of water to the public containing a significant amount of contaminants which would not exceed levels protective of human health.																		
<b>Adjustment</b> <input style="width: 100px;" type="text" value="\$900"/>																			
<input style="width: 100px;" type="text" value="\$100"/>																			
<b>Violation Events</b>																			
<div style="display: flex; justify-content: space-between;"> <div> Number of Violation Events <input style="width: 50px;" type="text" value="2"/> </div> <div> <input style="width: 50px;" type="text" value="2"/> Number of violation days </div> </div> <div style="margin-top: 10px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;">daily</td> <td style="width: 10%; border: 1px solid black; height: 20px;"></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="border: 1px solid black; height: 20px; text-align: center;">x</td> </tr> </table> <div style="margin-top: 10px;"> <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$200"/> </div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> Two single events are recommended, based on the residual readings recorded on January 31, 2008 and February 4, 2008. </div>			daily			monthly			quarterly			semiannual			annual			single event	x
	daily																		
	monthly																		
	quarterly																		
	semiannual																		
	annual																		
	single event	x																	
<b>Economic Benefit (EB) for this violation</b>																			
<div style="display: flex; justify-content: space-between;"> <div> <b>Estimated EB Amount</b> <input style="width: 100px;" type="text" value="\$50"/> </div> <div> <b>Statutory Limit Test</b> </div> </div> <div style="margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <div> <b>Violation Final Penalty Total</b> <input style="width: 100px;" type="text" value="\$240"/> </div> </div> <div style="text-align: right; margin-top: 5px;"> <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$240"/> </div> </div>																			

**Economic Benefit Worksheet**

Respondent Central Bosque Water Supply Corporation  
 Case ID No. 35426  
 Reg. Ent. Reference No. RN101439933  
 Media Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$50	31-Jan-2008	28-Feb-2008	0.0	\$0	\$50	\$50

Notes for AVOIDED costs

Estimated cost includes amounts for additional maintenance, oversight and an increase in the chlorine dosage that could have precluded the low disinfectant residual levels, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance \$50

TOTAL \$50

# Compliance History

Customer/Respondent/Owner-Operator:	CN600657431	Central Bosque Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101439933	CENTRAL BOSQUE WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1550061	
	WATER LICENSING	LICENSE	1550061	
Location:	500 SOUTH MAIN STREET, MCGREGOR, MCLENNAN COUNTY, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	February 19, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 19, 2003 to February 19, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A

B. Any criminal convictions of the state of Texas and the federal government.  
N/A

C. Chronic excessive emissions events.  
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/27/2005	(392473)
2	09/30/2005	(402487)
3	10/27/2005	(433312)
4	12/15/2005	(438574)
5	01/06/2006	(450911)
6	02/15/2006	(453920)
7	04/14/2006	(461381)
8	05/24/2006	(467348)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/04/2005 (402487)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug all abandoned public water supply wells or test public water system wells that are not in use and are non-deteriorated.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)

Description: Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate purchase capacity.

Self Report? NO Classification: Major

Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(4)	
	30 TAC Chapter 290, SubChapter D 290.45(f)(5)	
Description:	Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate service pumping capacity and Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate purchase capacity.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(2)	
Description:	Failure to provide a purchase contract that authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121	
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)	
Description:	Failure to collect water samples for bacteriological analysis at active service connections which are representative of water throughout the distribution system.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)	
Description:	Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)	
	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)	
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations and Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)	
Description:	Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.	

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CENTRAL BOSQUE WATER SUPPLY  
CORPORATION  
RN101439933**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0322-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Central Bosque Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 500 South Main Street in McGregor, McLennan County, Texas (the "Facility") that has approximately 286 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 19, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Hundred Forty Dollars (\$240) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Ninety-Two Dollars (\$192) of the administrative penalty and Forty-Eight Dollars (\$48) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full



compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent began maintaining a minimum chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system as of February 28, 2008.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to maintain the residual disinfectant concentration in the water within the distribution system at least 0.5 mg/L chloramine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 31, 2008.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Central Bosque Water Supply Corporation, Docket No. 2008-0322-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

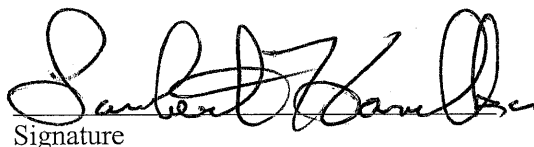
6/24/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

5-1-2008  
Date

Lambert Havelka  
Name (Printed or typed)  
Authorized Representative of  
Central Bosque Water Supply Corporation

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

